

Notice of Allowability

Application No.

10/621,438

Examiner

Carolyn T. Blake

Applicant(s)

TROVINGER, STEVEN W.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Request for Continued Examination filed on 09/22/2006.
2. ☒ The allowed claim(s) is/are 1-5, 7-12, 14-17, 20-24 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 24, 2006 has been entered.

Election/Restrictions

2. The claims are allowable. The restriction requirement among groups, as set forth in the Office action mailed on June 22, 2005, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 2-5, 9, 16, 17, and 21-24, directed to Groups I, III, and IV, are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew McNutt (Reg. No. 39,766) on October 5, 2006.

The application has been amended as follows:

- The title of the invention has been changed from "Method and Device for Trimming Sheet Material" to - -Device for Trimming Sheet Material- -.
- Claim 9, line 1: "The apparatus of Claim 6" has been changed to - -the apparatus of claim 7- -.
- Claim 16, line 1: "The apparatus of Claim 13" has been changed to - -the apparatus of claim 14- -.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach a drive roller for advancing sheet material in a first direction by rotation of the drive roll and for translating the sheet material in a second direction by translation of the drive roller, wherein the drive roller is

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mounted on a drive shaft, and wherein rotation and translation of the drive roller are directly caused by rotation of the drive shaft as set forth in claims 1, 12, and 20.

Hill (5,397,106) discloses a sheet material trimming apparatus (see FIG 1) comprising: a first cutter (12') arranged to trim an edge (11) of a sheet material (1) in a first direction (shown by the arrows in the first step); and a second cutter (17') arranged to trim an edge (7) of a sheet material (1) in a second direction (shown by the arrows in the second step) different from the first direction.

Hill fails to disclose a drive roller as claimed. However, Malachowski et al (5,219,159) disclose a drive system having a drive roller (24) for advancing sheet material (100) in a first direction by rotation of the drive roller (24) and for translating the sheet material (100) in a second direction by translation of the drive roller (24). See FIGS 1A-1C. This drive system aligns sheets that are out of alignment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Malachowski et al drive system as a station on the Hill apparatus prior to the cutting steps for the purpose of aligning sheets before cutting.

Still, the modified invention of Hill fails to teach the rotation and translation of the drive roller are directly caused by rotation of the drive shaft as set forth in claims 1, 12, and 20.

The above prior art by itself or in combination with the other prior art cited fails to teach the claimed invention set forth in claims 1, 12, or 20.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusions

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

CB
October 5, 2006



KENNETH E. PETERSON
PRIMARY EXAMINER